

REMARKS

This amendment responds to the Office Action mailed May 16, 2006. In the Office Action the Examiner:

- objected to the specification, and in particular requested the applicant to provide a new title;
- rejected claims 1 and 25 under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- rejected claims 1-5, 7-8, 10-11, 13-15, 17, 19-22, and 24-27 under 35 U.S.C. 102(b) as anticipated by Badue et al. (Badue, C., et al., "Distributed query processing using partitioned inverted files," SPIRE 2001, hereinafter "Badue");
- rejected claims 6, 9, 12, 16, 18 and 23 under 35 U.S.C. 103(a) as being unpatentable over Badue as applied to claims 1 and 14, and further in view of Agarwal et al. (US 6,816,853); and
- rejected claims 1, 14, and 25-27 under 35 U.S.C. 102(b) as anticipated by Choy et al. (US 5,551,027).

After entry of this amendment, the pending claims are: claims 2, 4-5, 7, 9-13, 15, 17-24, and 27-28. Twenty claims are pending; claims 27 and 28 are the independent claims.

Amendments to Specification

Pursuant to the Examiner's request, the title of this application has been amended. Applicants respectfully request withdrawal of this objection.

Paragraph [0054] has been amended to correct a typographical error with regard to Figure 1 as pointed out by the Examiner in the objections to the Drawings. This amendment does not add new matter and Applicant respectfully requests that this objection be withdrawn.

Remarks Concerning Objection to Drawings

The Examiner has objected to the drawings because they fail to show necessary label of "148" in Figure 1. Please note that there is a typographical error in paragraph [0054] on page 15, and the reference to "148" should have been to extended index servers "128." The specification has been corrected herewith and the Applicant respectfully requests withdrawal of this objection.

Claim Rejections - 35 U.S.C. § 101

The Examiner has rejected claims 1 and 25 under 35 U.S.C. 101 because the claims merely recite functional descriptive material without including any hardware. Claims 1 and 25 have been canceled. New Claim 28 claims a “computer implemented search system”. Claim 28 is directed to statutory subject matter, and therefore it is requested that the Examiner withdraw the rejection under 35 U.S.C. 101.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 7-8, 10-11, 13-15, 17, 19-22, and 24-27 under 35 U.S.C. 102(b) as anticipated by *Badue*. The Examiner argues that portions of *Badue* disclose or teach the claims described in independent claims. The Applicants respectfully disagree and traverse.

In the way of background, *Badue* compares two separate methods for searching a database, namely “local index partitioning” and “global index partitioning” (page 1, right column, paragraph 3).

The method of “local index partitioning” divides a database into partitions, each partition having an associated document index. The “local index partitioning” method described in *Badue* searches the entire set of partitions or entire index for every query (page 2, right column, paragraph 3). A benefit of the present invention is the ability to use the partition index to identify index sub-partitions that are likely to contain documents mapped to the search term. This limits the search to a subset of partitions which saves computing resources. Because the local partitioning method described in *Badue* does not use a partition index in addition a document index, it cannot direct its search to relevant partitions of the document index and therefore does not teach or anticipate independent claims 27 and 28.

Badue’s method of “global index partitioning” uses index partitions that are arranged in lexicographical order, and it directs search queries to the index partitions based the spelling of the query terms. However, the “global index partitioning” method of *Badue* does not use a partition index to identify index partitions that may contain documents mapped to the search terms. Rather, in *Badue* the selection of index partitions to search is based solely on the spelling of the query terms. This is in contrast to the method and system of claims 27 and 28, which require that each of a plurality of partition indexes be searched, for the set of

search terms, and then a subset of the document index sub-partitions (identified in the partition index search) be searched for the set of search terms. Therefore *Badue* does not teach or anticipate the method and system of independent claims 27 and 28.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 6, 9, 12, 16, 18, 23 under 35 U.S.C. 103(a) as being unpatentable over *Badue* as applied to claims 1 and 14 above, and in view of *Agarwal*. The Applicants respectfully disagree and traverse.

Agarwal describes an index bitmap that is constructed as a result of a complete scan of all database partitions (column 3, lines 16-25). Because the index bitmap is the result of a completed search it cannot be used to identify a sub-set of the document index sub-partitions that are to be searched (because they have all been searched already). Thus, *Agarwal* does not anticipate or teach claims 6, 9, 12, 16, 18, 23 and the Applicants request that the Examiner's rejection of these claims be withdrawn. Since the *Agarwal* bitmap is constructed from a completed search, there is no combination of *Badue* and *Agarwal* that produces maps or bit maps identifying a subset of the document index partitions that are to be searched.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1, 25 and 26 under 35 U.S.C. 102(b) as anticipated by *Choy*. Specifically, the Examiner cites *Choy*'s brief description of a multi-level scheme as anticipating claims 1, 25 and 26 (column 14, lines 8-14). *Choy* describes a hierarchy of index files that can be used to search other index files that can, in turn, search lower partitions of the index database. The multi-level version of *Choy* requires at least three levels of index searching: 1) search top level to identify second level indexes; 2) search the identified second level indexes to identify third level indexes; 3) search the identified third level indexes to identify documents.

In contrast, the claims described in independent claims 27 and 28 describe a method wherein the search results from each partition index, of a plurality of partition indexes, are received and collated by a mixer. This method allows for expansion of the document index into a plurality of partition indexes without increasing the number of levels of indexes in the system. Thus, from one viewpoint, the method and system of claim 27 and 28 have an expanded set of document indexes searched in parallel without expanding the depth (or

number of index levels) of the system. Because *Choy* does not teach or anticipate a "horizontally" expanded system of partition indexes that uses a two tier index scheme, and which collates search results from multiple document index searches in the manner required by claims 27 and 28, the Applicants respectfully request that the rejections based on *Choy* be withdrawn.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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